

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

**WILLARD COLE and TAMMY
COLE,**

**Plaintiffs /
Counter Defendants,**

vs.

**AUTO-OWNERS INSURANCE
COMPANY,**

**Defendant /
Counter Claimant.**

**CIVIL ACTION NO.:
5:16-CV-834 KOB**

OPPOSED

**NOTICE OF FILING OF EVIDENTIARY MATERIALS IN SUPPORT OF
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT
AGAINST DEFENDANT ON BREACH OF CONTRACT CLAIM**

COMES NOW Plaintiffs Willard and Tammy Cole and pursuant to this Court's Initial Order (Doc. 8), submit the following evidentiary materials:

DOCUMENTS

Exhibit A – Proof of Loss (structure);

Exhibit B - Proof of Loss (alternative living expenses);

Exhibit C – Proof of Loss (contents only);

Exhibit D – Proof of Loss – (debris removal);

Exhibit E – Insurance policy;

Exhibit F - Deposition of Stanley Bonhomme. (By agreement with the Court Plaintiffs will be provide in its courtesy copy the complete deposition and all exhibits);

Exhibit G – Deposition of David Eshenour. (By agreement with the Court Plaintiffs will be provide in its courtesy copy the complete deposition and all exhibits);

Exhibit H – The Howarth Group Recap of Damages (structure), p. 39;

Exhibit I - National Vendor's Contents Appraisal;

Exhibit J – The Howarth Group Recap of Damages (contents), p. 43;

Exhibit K – First Demand for Appraisal;

Exhibit L – Letter from Defendant dated April 20, 2015;

Exhibit M – Letter from Defendant dated April 18, 2016;

Exhibit N – Letter from Plaintiffs of August 5, 2015 requesting appraisal;

Exhibit O – Defendant's letter of August 28, 2015 rejecting appraisal;

Exhibit P – Owners letter of July 2, 2105;

Exhibit Q - Letter from Plaintiffs' attorney dated October 22, 2015;

Exhibit R – Letter from Defendant's attorney dated November 5, 2015;

Exhibit S – Letter from Plaintiffs' attorney dated December 22, 2015;

Exhibit T – Letter from Plaintiffs' attorney dated May 3, 2016;

Exhibit U – Deposition excerpts – Deposition of Chuck Howarth of The Howarth Group. (By agreement with the Court Plaintiffs will be provide in its courtesy copy the complete deposition and all exhibits).

Respectfully submitted,

s/ Gary V. Conchin

Gary V. Conchin (ASB-1263-C56G)
Attorney for Plaintiffs

s/ Kenneth B. Cole, Jr.

Kenneth B. Cole, Jr. (ASB-0595-C56K)
Attorney for Plaintiffs

s/ Franklin Taylor Rouse

Franklin Taylor Rouse (ASB-8709-R53M)
Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on this the 1st day of March, 2017 I served a copy of the foregoing on each of the following by filing same electronically with the Court (which will cause a copy of same to be served electronically on the following) and/or by placing a copy of same in the United States mail, properly addressed, with postage prepaid:

Warren "Bo" Burke, Jr.
Daniel R. Klasing
KLASING, WILLIAMSON & BURKE, P.C.
1601 Providence Park
Birmingham, Alabama 35242

s/ Gary V. Conchin
Gary V. Conchin (ASB-1263-C56G)